§ 91.7 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as provided by part 2, subpart B, of this chapter.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to the extent and by means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with § 2.204(c)(2)(i)(A) of this chapter.

Subpart B—Emission Standards and Certification Provisions

§ 91.101 Applicability.

The requirements of this subpart B are applicable to all new marine spark-ignition engines subject to the provisions of subpart A of this part 91.

§ 91.102 Definitions.

The definitions in subpart A of this part 91 apply to this subpart. All terms not defined herein or in subpart A of this part have the meaning given them in the Act.

§ 91.103 Averaging, banking, and trading of exhaust emission credits.

Regulations regarding averaging, banking, and trading provisions along with applicable recordkeeping requirements are found in subpart C of this part.

§ 91.104 Exhaust emission standards for outboard and personal watercraft engines.

(a) New marine spark-ignition outboard and personal watercraft engines for use in the U.S. must meet the following exhaust emission standards for $HC+NO_X$. The exhaust emission standard for each model year is provided below. It is also used as input to the calculation procedure in § 91.207 to determine compliance with the corporate average $HC+NO_X$ exhaust emission standard.

HYDROCARBON PLUS OXIDES OF NITROGEN EXHAUST EMISSION STANDARDS

[grams per kilowatt-hour]

Model year	P < 4.3 kW $HC+NO_X$ emission standard by model year	P > 4.3 kW $HC+NO_X$ emission standard by model year
1998	278.00	$(0.917 \times (151 + 557/P^{0.9})) + 2.44$
1999	253.00	$(0.833 \times (151 + 557/P^{0.9})) + 2.89$
2000	228.00	$(0.750 \times (151 + 557/P^{0.9})) + 3.33$
2001	204.00	$(0.667 \times (151 + 557/P^{0.9})) + 3.78$
2002	179.00	$(0.583 \times (151 + 557/P^{0.9})) + 4.22$
2003	155.00	$(0.500 \times (151 + 557/P^{0.9})) + 4.67$
2004	130.00	$(0.417 \times (151 + 557/P^{0.9})) + 5.11$
2005	105.00	$(0.333 \times (151 + 557/P^{0.9})) + 5.56$
2006 and later	81.00	$(0.250 \times (151 + 557/P^{0.9})) + 6.00$

where:

P = the average power of an engine family in kW (sales weighted). The power of each

configuration is the rated output in kilowatts as determined by SAE J1228. This procedure has been incorporated by reference. See §91.6.

(b) Exhaust emissions are measured using the procedures set forth in subpart E of this part.

(c) Manufacturers must designate a Family Emission Limit (FEL) for $HC+NO_X$ for every engine family. The FEL may be equal to the emission standard in paragraph (a) of this section. The FEL established through certification serves as the emission standard for the engine family and emissions may not exceed the FEL levels for $HC+NO_X$ for all engines sold in the engine family, for their useful life.

(d) A manufacturer must comply with a corporate average $HC+NO_X$ emission standard as determined in accordance with subpart C §91.207.

§ 91.105 Useful life period, recall, and warranty periods.

(a) The useful life for PWC engines is a period of 350 hours of operation or 5 years of use, whichever first occurs. The useful life for Outboard marine spark-ignition engines is a period of 350 hours of operation or 10 years of use, whichever first occurs.

(b) PWC engines are subject to recall testing for a period of 350 hours of operation or 5 years of use, whichever first occurs. Outboard marine spark-ignition engines are subject to recall testing for a period of 350 hours of operation or 10 years of use, whichever first occurs. However, for purposes of this part only, if the Administrator should issue a nonconformity determination, then only those engines that are within the useful life as of the date of the nonconformity determination are subject to recall repair requirements.

(c) Warranty periods are set out in subpart M of this part.

§ 91.106 Certificate of conformity.

(a) Every manufacturer of a new marine SI engine produced during or after the 1998 model year for outboard engines and the 1999 model year for PWC engines, must obtain a certificate of conformity covering each engine family. The certificate of conformity must be obtained from the Administrator prior to selling, offering for sale, introducing into commerce, or importing into the United States the new marine SI engine.

(b) The certificate of conformity is valid for the model year for which it is designated.

§ 91.107 Application for certification.

(a) For each engine family, the engine manufacturer must submit to the Administrator a completed application for a certificate of conformity, except that with respect to an existing technology OB/PWC engine a manufacturer may, in lieu of providing such application, submit to the Administrator summary testing and other information as determined by the Administrator.

(b) The application must be approved and signed by the authorized representative of the manufacturer.

(c) The application must be updated and corrected by amendment as provided in §91.122 to accurately reflect the manufacturer's production.

(d) Required content. Each application must include the following information:

(1) A description of the basic engine design including, but not limited to, the engine family specifications;

(2) An explanation of how the emission control system operates, including a detailed description of all emission control system components (detailed component calibrations are not required to be included, however they must be provided if requested), each auxiliary emission control device (AECD), and all fuel system components to be installed on any production or test engine(s);

(3) Proposed test fleet selection and the rationale for the test fleet selection;

(4) Special or alternative test procedures, if applicable;

(5) The description of the operating cycle and the service accumulation period necessary to break in the test engine(s) and stabilize emission levels and any maintenance scheduled;

(6) A description of all adjustable operating parameters, including the following:

(i) The nominal or recommended setting and the associated production tolerances;